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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 May 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,5 and 7-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5 and 7-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>10/24/07, 7/15/08</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-3, 5, 7-40, remain pending in this application and claims 4 and 6 has been

cancelled.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-3, 5, 7-40, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Khemlani et al (Hereinafter Khemlani U.S Patent 6, 772, 146) in view of Kemp, II et al

(Hereinafter Kemp, II U.S Patent 6, 772,132) in view of Impink, Jr U.S Patent 6, 211, 880.

As per claim 1, Khemlani discloses a method of displaying trading trends for an

investment comprising the steps of:

receiving a first opening value and a first closing value for the investment for a series of

consecutive first time intervals within a time period wherein receiving a second opening

value and a second closing value for the investment for a series of consecutive second

time intervals within the time period wherein the second time interval is not equal to the

first time interval (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines

12-67 and column 5-10 lines 1-67 and column 20 lines 1-65)

calculating a first opening value trend for the first time intervals using a market trend

indicator and the first opening values for the investment, and a second opening value

trend for the second time intervals using the market trend indicator and the second

opening values for the investment (see column 1 lines 55-67 and column 2 lines 1-21

and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

calculating a first closing value trend for the first time intervals using the market trend indicator and the first closing values for the investment, and a second closing value trend for the second time intervals using the market trend indicator and the second closing values for the underlying investment and (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

Khemlani fail to explicitly teach displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the investment, wherein the first visual favorable/unfavorable trade indicator is a first color whenever the first closing value trend is greater than the first opening value trend and the first visual favorable/unfavorable trade indicator is a second color whenever the first closing value trend -is lower than the first opening value trend and.

However Kemp, II discloses FIG. 2 illustrates a screen display of an invention described Click Based Trading with Market Depth Display the contents of which are incorporated herein by reference. This display shows the inside market and the market depth of a given commodity being traded. Row 1 represents the "inside market" for the commodity being traded which is the best (highest) bid price and quantity and the best (lowest) ask price and quantity. Rows 2-5 represent the "market depth" for the commodity being traded. In the preferred embodiment of the present invention, the display of market depth (rows 2-5) lists the available next-best bids, in column 203, and asks, in column 204. The working bid and ask quantity for each price level is also displayed in columns 202 and 205 respectively (inside market--row 1). Prices and quantities for the inside market and market depth update dynamically on a real time basis as such information is relayed from the market. (see column 3 lines 53-63 and column 5 lines 10-65 and column 6 lines 1-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Khemlani to include displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the

investment, wherein the first visual favorable/unfavorable trade indicator is a first color whenever the first closing value trend is greater than the first opening value trend and the first visual favorable/unfavorable trade indicator is a second color whenever the first closing value trend -is lower than the first opening value trend and taught by Kemp, II in order to display and analyze the fluctuations of trading values or prices.

Khemlani and Kemp, II fail to explicitly teach displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the investment, wherein the second visual favorable/unfavorable trade indicator is a first color whenever the second closing value trend is greater than the second opening value trend and the second visual favorable/unfavorable trade indicator is a second color whenever the second closing value trend is lower than the second opening value trend.

However Impink, Jr discloses desirably, the set of stocks whose trading price fluctuations are depicted in a specific display is selected to be representative of a particular sector of the national economy. Thus, one such display might be indicative of the trends in trading prices of stocks issued by corporations active primarily in the "services" sector. Another display of the same basic arrangement can represent trends in trading prices of stocks of companies involved primarily in the "energy" sector, etc. It is expected that the total number of displays corresponding, respectively, to the several sectors of the economy as defined in a given stock exchange will be about twelve, though that should not be considered a limitation of this invention. (see column 2 lines 39-67 and column 3 lines 1-6 and column 4 lines 24-36).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Khemlani and Kemp to include displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the investment, wherein the second visual favorable/unfavorable trade indicator is a first color whenever the second closing value trend is greater than the second opening value trend and the second visual favorable/unfavorable trade

indicator is a second color whenever the second closing value trend is lower than the second opening value trend taught by Impink, Jr in order for displaying trends in a process related to financial markets, having a number of analogous components each having a corresponding, variable element.

As per claim 2, Khemlani discloses wherein the opening value is an opening price and the closing value is a closing price. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 3, Khemlani discloses wherein the opening value is an opening trading volume and the closing value is a closing volume. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 5, Khemlani discloses wherein the first color is green. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 7, Khemlani discloses wherein the second color is red. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 8, Khemlani discloses wherein the first visual favorable/unfavorable trade indicator displays the first time interval and the second visual favorable/unfavorable trade indicator displays the second time interval (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 9, Khemlani discloses further comprising the step of displaying the first opening value trend as a first line and the first closing value trend as a second line in a graph. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 10, Khemlani discloses further comprising the step of displaying a list of information about a point selected on either the first line or the second line. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 11, Khemlani discloses wherein the market trend indicator comprises one or more regression algorithms selected from: stochastics, relative strength. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and directional movement, commodity channel, simple average, exponential average weighted average, MACD (simple), MACD (exponential), momentum/ROC, midrange, William's %R, parabolic stop, volatility stop, trailing stop, high low stop. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

 Bollinger Bands, Keltner Channel, uniform channel, regression channel, swing lines, cycle forecast, on balance volume, overlay chart, point & figure, moving average, moving linear regression, upper envelope, lower envelope, %K, %D, %D slow, %D averaged, %R, RSI, momentum, acceleration, moving average oscillator, moving average momentum, moving average convergence-divergence oscillator, moving average convergence-divergence (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) MACD signal line, commodity channel index, rate of change in prices, on balance volume variance, standard deviation, volatility ratio, volatility, skew, kurtosis, Williams Accumulated Distribution, Arm's Ease of Movement, plus directional indicator, minus directional indicator, directional movement and average directional movement. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 12, Khemlani discloses wherein the opening value trend is calculated without using the first opening value from the most recent time interval. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 13, Khemlani discloses further comprising the steps of selecting a market information source;

communicably connecting to the market information source; and selecting the investment. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 14, Khemlani discloses further comprising the step of executing a trade involving the investment. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 15, Khemlani discloses further comprising the step of simulating an execution of a trade involving the investment(see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 16, Khemlani discloses further comprising the step of calculating a potential tax liability for an execution of a trade involving the investment. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 17,   Khemlani discloses 1 further comprising the step of searching for one or more investment trading opportunities based on one or more search criteria (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 18, Khemlani discloses further comprising the step of selecting the first time interval or the second time interval (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 19, Khemlani discloses wherein the first time interval is a first preset time interval and the second time interval is a second preset time interval based on a user profile (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 20, Khemlani discloses further comprising the step of repeating all of the recited steps for a set of different time intervals (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 21, Khemlani discloses wherein the set of different time intervals comprises fifteen minutes, thirty minutes, one hour, ninety minutes and two hours. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 22, Khemlani discloses wherein the set of different time intervals comprises one day, one week and one month (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 23,   Khemlani discloses further comprising the step of repeating all of the recited steps for two or more investments (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 24, Khemlani discloses further comprising the step of updating the first opening a values, the first closing values, the first opening value trend, the first closing value trend and the visual indicator. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 25, Khemlani discloses further comprising the step of signaling a user whenever any of the visual indicator change (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 26, Khemlani discloses a computer readable medium encoded with a computer program for displaying trading trends for an investment comprising:
a code segment for receiving a first opening value and a first closing value for the investment for a series of consecutive first time intervals within a time period wherein the opening value comprises a value of the investment at a beginning of a time interval and the closing value comprises the value of the investment at an and the time interval (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) a code segment for receiving a second opening value and a second closing value for the investment for a series of consecutive second time intervals within the time period wherein the second time interval is not

equal to the first time interval(see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) a code segment for calculating a first opening value trend for the first time intervals using a market trend indicator and the first opening values for the investment and a second opening value trend for the second time intervals using the market trend indicator and the second opening values for the investment (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) a code segment for calculating a first closing value trend for the first time intervals using the market trend indicator and the first closing values for the investment~ and a second closing value trend for the second time intervals using the market trend indicator and the second closing values for the underlying investment (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

Khemlani fail to explicitly teach a code segment for displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the investment, wherein the first visual favorable/unfavorable trade indicator is a first color whenever the first closing value trend is greater than the first opening value trend and the first visual favorable/unfavorable trade indicator is a second color whenever the first closing value trend is lower than the first opening value trend .

However Kemp, II discloses FIG. 2 illustrates a screen display of an invention described Click Based Trading with Market Depth Display the contents of which are incorporated herein by reference. This display shows the inside market and the market depth of a given commodity being traded. Row 1 represents the "inside market" for the commodity being traded which is the best (highest) bid price and quantity and the best (lowest) ask price and quantity. Rows 2-5 represent the "market depth" for the commodity being traded. In the preferred embodiment of the present invention, the display of market depth (rows 2-5) lists the available next-best bids, in column 203, and asks, in column 204. The working bid and ask quantity for each price level is also displayed in columns 202 and 205 respectively (inside market--row 1). Prices and

quantities for the inside market and market depth update dynamically on a real time basis as such information is relayed from the market. (see column 3 lines 53-63 and column 5 lines 10-65 and column 6 lines 1-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Khemlani to include a code segment for displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the investment, wherein the first visual favorable/unfavorable trade indicator is a first color whenever the first closing value trend is greater than the first opening value trend and the first visual favorable/unfavorable trade indicator is a second color whenever the first closing value trend is lower than the first opening value trend taught by Kemp, II in order to display and analyze the fluctuations of trading values or prices.

Khemlani and Kemp, II fail to explicitly teach a code segment for displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the investment, wherein the second visual favorable/unfavorable trade indicator is a first color whenever the second closing value trend is greater than the second opening value trend and the second visual favorable/unfavorable trade indicator is a second color whenever the second closing value trend is lower than the second opening value trend.

However Impink, Jr discloses desirably, the set of stocks whose trading price fluctuations are depicted in a specific display is selected to be representative of a particular sector of the national economy. Thus, one such display might be indicative of the trends in trading prices of stocks issued by corporations active primarily in the "services" sector. Another display of the same basic arrangement can represent trends in trading prices of stocks of companies involved primarily in the "energy" sector, etc. It is expected that the total number of displays corresponding, respectively, to the several sectors of the economy as defined in a given stock exchange will be about twelve, though that should not be considered a limitation of this invention. (see column 2 lines 39-67 and column 3 lines 1-6 and column 4 lines 24-36).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Khemlani and Kemp to include a code segment for displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the investment, wherein the second visual favorable/unfavorable trade indicator is a first color whenever the second closing value trend is greater than the second opening value trend and the second visual favorable/unfavorable trade indicator is a second color whenever the second closing value trend is lower than the second opening value trend taught by Impink, Jr in order for displaying trends in a process related to financial markets, having a number of analogous components each having a corresponding, variable element.

As per claim 27, Khemlani discloses Claim 27 (currently amended): The computer program as recited in claim 26 further comprising a code segment for displaying the first opening value trend as a first line and the first closing value trend as a second line in a graph (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 28, Khemlani discloses further comprising a code segment for displaying a list of information about a point selected on either the first line or the second line. in a graph. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 29, Khemlani discloses wherein the market trend indicator comprises one or more regression algorithms selected from: stochasties, relative strength, directional movement, commodity channel, simple average, exponential average weighted average, MACD (simple), MACD (exponential), momentum/ROC, midrange(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) William's %R, parabolic stop, volatility stop, trailing stop, high low stop, Bollinger Bands, Keltner Channel, uniform channel, regression channel, swing lines, cycle forecast, on balance volume, overlay chart, point & figure, moving average, moving linear regression, upper envelope, lower envelope, %K, %D, %D slow, %D averaged, %R, RSI, momentum, acceleration, moving average

oscillator, moving average momentum(see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) moving average convergence-divergence oscillator, moving average convergence-divergence, MACD signal line, commodity channel index, rate of change in prices(see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) on balance volume variance, standard deviation, volatility ratio, volatility, skew, kurtosis, Williams Accumulated Distribution, Arm's Ease of Movement, plus directional indicator, minus directional indicator, directional movement and average directional movement. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 30, Khemlani discloses further comprising:
a code segment for selecting a market information source;
a code segment for communicably connecting to the market information source; and a code segment for selecting the investment. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 31 Khemlani discloses further comprising a code segment for executing a trade involving the investment (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

A per claim 32, Khemlani discloses further comprising a code segment for simulating an execution of a trade involving the investment (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 33, Khemlani discloses further comprising a code segment for calculating a potential tax liability for an execution of a trade involving the investment (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 34, Khemlani discloses further comprising a code segment for searching for one or more investment trading opportunities based on one or more search criteria (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 35, Khemlani discloses further further comprising a code segment for selecting the first time interval or the second time interval (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 36, Khemlani discloses further comprising a code segment for repeating all of the recited steps for a set of different time intervals (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 37, Khemlani discloses further comprising a code segment for repeating all of the recited steps for two or more investments (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 38, Khemlani discloses further comprising a code segment for updating the first opening values, the first closing values, the first opening value trend, the first closing value trend and the first visual indicator. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 39, Khemlani discloses further comprising a code segment for signaling a user whenever any of the visual indicator change. (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

As per claim 40, Khemlani discloses an apparatus for displaying trading trends for an investment comprising:
a computer communicably connected to a market information source; a display communicably connected to the computer; and the computer (a) receiving a first opening value and a first closing value for the investment for a series of consecutive first time intervals within a time period from the market information source (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) (b) receiving a second opening value and a second closing value for the investment for a series of consecutive second time intervals within the time

period wherein the second time interval is not equal to the first time interval(see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) (c) calculating a first opening value trend for the first time intervals using a market trend indicator and the first opening values for the investment and a second opening value trend for the second time intervals using the market trend indicator and the second opening values for the investment (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65) (d) calculating a first closing value trend for the first time intervals using the market trend indicator and the first closing values for the investment, and a second closing value trend for the second time intervals using the market trend indicator and the second closing values for the underlying investment (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

Khemlani fail to explicitly teach (e) displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the investment on the display, wherein the first visual favorable/unfavorable trade indicator is a first color whenever the first closing value trend is greater than the first opening value trend and the first visual favorable/unfavorable trade indicator is a second color whenever the first closing value trend is lower than the first opening value trend.

However Kemp, II discloses FIG. 2 illustrates a screen display of an invention described Click Based Trading with Market Depth Display the contents of which are incorporated herein by reference. This display shows the inside market and the market depth of a given commodity being traded. Row 1 represents the "inside market" for the commodity being traded which is the best (highest) bid price and quantity and the best (lowest) ask price and quantity. Rows 2-5 represent the "market depth" for the commodity being traded. In the preferred embodiment of the present invention, the display of market depth (rows 2-5) lists the available next-best bids, in column 203, and asks, in column 204. The working bid and ask quantity for each price level is also displayed in columns 202 and 205 respectively (inside market--row 1). Prices and

quantities for the inside market and market depth update dynamically on a real time basis as such information is relayed from the market. (see column 3 lines 53-63 and column 5 lines 10-65 and column 6 lines 1-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Khemlani to include e) displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the investment on the display, wherein the first visual favorable/unfavorable trade indicator is a first color whenever the first closing value trend is greater than the first opening value trend and the first visual favorable/unfavorable trade indicator is a second color whenever the first closing value trend is lower than the first opening value trend

Khemlani and Kemp, II fail to explicitly teach (f) displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the investment, wherein the second visual favorable/unfavorable trade indicator is a first color whenever the second closing value trend is greater than the second opening value trend and the second visual favorable/unfavorable trade indicator is a second color whenever the second closing value trend is lower than the second opening value trend.

However Impink, Jr discloses desirably, the set of stocks whose trading price fluctuations are depicted in a specific display is selected to be representative of a particular sector of the national economy. Thus, one such display might be indicative of the trends in trading prices of stocks issued by corporations active primarily in the "services" sector. Another display of the same basic arrangement can represent trends in trading prices of stocks of companies involved primarily in the "energy" sector, etc. It is expected that the total number of display corresponding, respectively, to the several sectors of the economy as defined in a given stock exchange will be about twelve, though that should not be considered a limitation of this invention. (see column 2 lines 39-67 and column 3 lines 1-6 and column 4 lines 24-36).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Khemlani and Kemp to include

displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the investment, wherein the second visual favorable/unfavorable trade indicator is a first color whenever the second closing value trend is greater than the second opening value trend and the second visual favorable/unfavorable trade indicator is a second color whenever the second closing value trend is lower than the second opening value trend taught by Impink, Jr in order for displaying trends in a process related to financial markets, having a number of analogous components each having a corresponding, variable element.

Conclusion
Response to Arguments

6.   Applicant's arguments files on 05/8/08 have been fully considered but they are not persuasive for the following reasons.

7.   In response to Applicant's arguments that Khemlani , Kemp, II and Impink, Jr fails to teach or suggest" displaying a visual favorable/unfavorable trade indicator comparing the opening value trend to the closing value trend for the investment and displaying a visual favorable/unfavorable trade indicator for the time interval based on a comparison of the opening value trend to the closing value trend for the investment, wherein the visual favorable/unfavorable trade indicator for the time interval is a first color whenever the closing value trend is greater than the opening value trend and the visual favorable/unfavorable trade indicator for the time interval is a second color whenever the closing value trend is lower than the opening value trend for the time interval obtaining, calculating opening and closing value trends, and simultaneously displaying visual favorable/unfavorable trade indicators based on the calculated value trends for two different time intervals over the same time period" the Examiner disagrees with Applicant's because Applicant claimed limitations were addressed at in a combinations of teachings as stated.

Khemlani discloses receiving a first opening value and a first closing value for the investment for a series of consecutive first time intervals within a time period wherein

receiving a second opening value and a second closing value for the investment for a series of consecutive second time intervals within the time period wherein the second time interval is not equal to the first time interval (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65)

calculating [[an]] a first opening value trend for the first time intervals using a market trend indicator and the first opening values for the investment, and a second opening value trend for the second time intervals using the market trend indicator and the second opening values for the investment (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

calculating a first closing value trend for the first time intervals using the market trend indicator and the first closing values for the investment, and a second closing value trend for the second time intervals using the market trend indicator and the second closing values for the underlying investment and (see column 1 lines 55-67 and column 2 lines 1-21 and column 4 lines 12-67 and column 5-10 lines 1-67 and column 20 lines 1-65).

Kemp, II discloses FIG. 2 illustrates a screen display of an invention described Click Based Trading with Market Depth Display the contents of which are incorporated herein by reference. This display shows the inside market and the market depth of a given commodity being traded. Row 1 represents the "inside market" for the commodity being traded which is the best (highest) bid price and quantity and the best (lowest) ask price and quantity. Rows 2-5 represent the "market depth" for the commodity being traded. In the preferred embodiment of the present invention, the display of market depth (rows 2-5) lists the available next-best bids, in column 203, and asks, in column 204. The working bid and ask quantity for each price level is also displayed in columns 202 and 205 respectively (inside market--row 1). Prices and quantities for the inside market and market depth update dynamically on a real time basis as such information is relayed from the market. (see column 3 lines 53-63 and column 5 lines 10-65 and column 6 lines 1-60).

Impink, Jr discloses desirably, the set of stocks whose trading price fluctuations are depicted in a specific display is selected to be representative of a particular sector of the national economy. Thus, one such display might be indicative of the trends in trading prices of stocks issued by corporations active primarily in the "services" sector. Another display of the same basic arrangement can represent trends in trading prices of stocks of companies involved primarily in the "energy" sector, etc. It is expected that the total number of displays corresponding, respectively, to the several sectors of the economy as defined in a given stock exchange will be about twelve, though that should not be considered a limitation of this invention. (see column 2 lines 39-67 and column 3 lines 1-6 and column 4 lines 24-36).

Therefore it is obviously clear that Applicant's claimed limitations were addressed with the teachings of Khemlani , Kemp, II and Impink, Jr .

Further it would have been obvious that in order to display information such as different trends values a favorable/unfavorable trade indicator ,opening value trend to the closing value trend for the investment a visual favorable/unfavorable trade indicator for the time interval, the relevant information and calculation would had to be performed prior to displaying and it wound have been a designer choice of what should be displayed or not displayed.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CLEMENT B. GRAHAM whose telephone number is

(571)272-6795. The examiner can normally be reached on 7am to 5pm.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

      Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CG
AUG 14, 2008
/Harish T Dass/
Examiner, Art Unit 3692